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SUBJECT: AF A/S CARSON,S MEETING WITH KENYA PM ODINGA,
SEPTEMBER 24, 2009

1. Classified by Assistant Secretary Johnnie Carson.
Reason: 1.4 (b) and (d)

2. (C) September 24, 2009; 8:00 a.m.; New York, NY.

3. (C) Participants:

U.S.
AF Assistant Secretary Johnnie Carson
DRL Assistant Secretary Michael Posner
Special Advisor to the Great Lakes Region Harold Wolpe
Deputy Assistant Secretary Karl Wycoff
AF/E Desk Officer Matthew Walsh (Notetaker)

KENYA
Prime Minister Raila Odinga
Foreign Minister Moses Wetangula

4. (C) SUMMARY. AF Assistant Secretary (A/S) Johnnie Carson and Kenya Prime Minister (PM) Raila Odinga cordially discussed a range of issues, from Somalia, to the Government of Kenya,s (GOK) reform agenda, to accountability in the wake of the 2008 post-election violence (PEV). PM Odinga noted GOK concern regarding expanding the Dadaab refugee camp complex in northeastern Kenya. He also highlighted the incremental reform steps his government has made since signing the accords following the 2008 PEV. A/S Carson and PM agreed that the United States and Kenya have a special relationship and have historically enjoyed strong relations, although PM Odinga worried the Obama Administration may now be holding Kenya to a higher standard than other African countries. END SUMMARY.

SOMALIA

5. (C) PM Odinga condemned the September 17 suicide attacks in Mogadishu and opined that Somalia is a challenge that must be addressed more thoroughly by the international community. After A/S Carson thanked the PM for the GOK,s efforts in taking on the judicial cases of so many suspected Somali pirates, PM Odinga noted that Kenya,s court and prison facilities are overstretched and asked that the U.S. put pressure on other countries to take on more legal cases of suspected pirates.

6. (C) A/S Carson asked the PM where the GOK stood on United Nations High Commissioner for Refugees (UNHCR) Antonio Guterres, request (which the U.S. supports) for additional land to add additional space to the Dadaab refugee camp complex in northeastern Kenya. The PM stated that while coming up with additional land &is not a problem, we would prefer that UNHCR make use of the Kakuma camp8 instead of

Dadaab for new refugees. PM Odinga clarified his concerns further, stating that having so many Somalis in one location so close to Kenya's border with Somalia created easy recruiting opportunities for U.S.-designated Foreign Terrorist Organization (FTO) al-Shabaab.

REFORM AND ACCOUNTABILITY

¶17. (C) A/S Carson thanked the PM for his hospitality in hosting the African Growth and Opportunity Act (AGOA) forum in July, and noted the Secretary's pleasure with how well the event went off. PM Odinga concurred that the event was a success and noted that the high number of U.S. businessmen the event drew to Nairobi resulted in positive dividends and new connections for Kenya's private sector. However, the A/S informed the PM that the Secretary is concerned by the lack of progress on the part of the GOK in implementing the Kofi Annan mediated reform agenda, including pushing forward constitutional reform and holding those responsible for the 2008 PEV accountable.

¶18. (C) PM Odinga editorialized that he does not think enough information (regarding reform) is reaching the Department of State, or at least the correct information.⁸ The PM said that although he is focused on building institutions to steer Kenya in the right direction, reform is difficult when we have two different groups in government with two different views on what should be done.⁸ He stated that both sides want to reach consensus prior to holding a referendum on a constitution. According to PM Odinga, a Panel of Experts is meeting to recommend the best way forward for the GOK in three main areas: whether to have a proportional or presidential electoral system; a federalized or centralized national government; and a bicameral or single-chamber legislature. The PM informed the A/S that once the Panel of Experts comes to agreement on how to proceed on these three important issues, a draft constitution will be finalized and a referendum held sometime in 2010.

¶19. (C) A/S Carson pressed on the issue of accountability for those responsible for committing the 2008 PEV. The PM did not delve deeply into the issue. Instead, he informed the A/S that he prepared a piece of legislation targeting those responsible for the PEV, which Parliament rejected. PM Odinga noted that a Member of Parliament has circulated a new bill, which Parliament is currently considering. He also stressed the importance of Kenyans, not the International Criminal Court, handling the matter, as the Hague will take fifty years to deal with the matter.⁸ After A/S Carson communicated the U.S.'s pleasure that the GOK had removed Police Commissioner Ali from his position as head of Kenya's national police force, PM Odinga added that the GOK fully intends to implement all of the recommendations from the Police Reform Task Force, which included replacing the senior leadership. The A/S recommended that the PM reevaluate the status of the Attorney General of Kenya who in 20 years has never successfully prosecuted any high level officials.⁸

U.S.-KENYA RELATIONS

¶10. (C) Towards the end of the meeting, PM Odinga raised concerns that circulate in the Kenyan press⁸ that the U.S. is too critical of the GOK, that there are too many sticks and not enough carrots.⁸ President Obama's failure to visit Kenya during his recent trip to Africa just adds fuel to this argument, added the PM. We should be judged on our own merit and you should distinguish between past and present,⁸ said PM Odinga, Corruption is not as high now, and we have a vibrant press and civil society.⁸ The PM also raised the issue of his disinvitation⁸ from President Obama's September 22 luncheon for sub-Saharan African Heads of State.

¶11. (C) Explaining that PM Odinga had not been disinvited,

but rather the White House had only intended for the invitation to go to Kenya President Mwai Kibaki as the holder of executive power in the GOK, A/S Carson underlined for the PM that the United States continues to value strongly our friendship and relationship with Kenya. The A/S underscored that the United States has no better friend in that part of the world, and Kenya is our most important partner and ally in the region.⁸ A/S Carson ended the meeting by stressing that the United States wants Kenya's institutions and democracy to grow & because we want Kenya to succeed.⁸

CLINTON